

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2004  
Proposal No. 490, 2004

PROPOSAL FOR A GENERAL ORDINANCE to amend the portions of the Sign Regulations to delete provisions pertaining to political signs and to amend provisions pertaining to noncommercial opinion signs.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 734-201 of the "Revised Code of the Consolidated City and County," regarding exempt signs, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 734-201. Exempt signs.**

(a) The following signs are permitted in any zoning district unless specifically limited to certain zoning districts in this section and are exempt from other provisions of this chapter, except the provisions for a clear sight area as noted in section 734-204(j). The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for Improvement Location Permits (ILPs) shall not apply to certain of the signs specifically referenced in this section:

(b) Construction signs, project. One (1) construction sign per project construction site shall be permitted on each street frontage of the project, subject to the following:

(1) *Maximum sign area.* The construction sign shall not exceed:

- a. Sixty-four (64) square feet in area.
- b. Twenty (20) feet in height.

(2) *Additional standards.* Further, such signs shall:

- a. Not be erected until the applicable zoning and platting approvals have been obtained;
- b. Be confined to the site of construction;
- c. Meet the setback requirements for signs in the applicable district; and
- d. Be removed five (5) days after completion of construction and prior to occupancy.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

(c) Flags, emblems, or insignia of any nation, state or political subdivision shall be permitted, provided the setback requirements for signs in the applicable district are met. In addition, one (1) flag, displaying a corporate emblem, shall be permitted for each business not located in an integrated center. A flag displaying a corporate emblem, however, shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

(d) Garage sale signs are permitted provided there shall be only one (1) sign, not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot having the sale and not on or within any public right-of-way. In the case of corner lots, one (1) additional sign is permitted on the other street frontage of the lot, for a maximum of two (2) signs on the lot. Further, such sign(s) shall be permitted for no longer than two (2) days prior to the sale and be removed immediately after the sale is completed.

An ILP shall not be required if the provisions noted above are satisfied.

(e) Historic or commemorative plaques. An historic or commemorative plaque shall not exceed four (4) square feet. An ILP shall not be required if the provisions noted above are satisfied. Historic or commemorative plaques in excess of four (4) square feet shall be regulated and permitted as wall signs.

(f) Home improvement, home construction, home remodeling signs are permitted, provided there shall be only one (1) such sign not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot on which the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring.

An ILP shall not be required if the provisions noted above are satisfied.

(g) House number and name plates. House numbers and name plates, each not exceeding two (2) square feet in area, are permitted for each residential unit or dwelling.

An ILP shall not be required if the provisions noted above are satisfied.

House numbers and name plates in excess of two (2) square feet in area shall be regulated as wall signs.

**(h) Reserved.**

(i) Interior signs. Signs located:

- (1) Within the interior of any building, or within an enclosed lobby or court of any building;
- (2) Located within the inner or outer lobby, court or entrance of any theatre, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as "window signs" as herein defined, are permitted.

An ILP shall not be required if the provisions noted above are satisfied.

(j) Memorial signs or tablets. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material. Such signs shall not be located within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

(k) Model home signs are permitted, provided there shall be only one (1) such sign not exceeding sixteen (16) square feet in total surface area and four (4) feet in height located on the street frontage of the lot containing the model home. Such sign shall:

- (1) Not be located on or within any public right-of-way or located on the model home building; and
- (2) Be removed immediately after the building no longer serves as a model home.

An ILP shall not be required if the provisions noted above are satisfied.

(l) Murals, defined as works of graphic art painted or applied to building walls, which contain no advertising, commercial messages, or logos.

An ILP shall not be required if the provisions noted above are satisfied, however, such murals are still subject to all requirements of any overlay district zoning which may apply.

(m) Noncommercial opinion sign, as defined in section 734-501 shall be permitted, in any dwelling district or for any legally established residence in any other zoning district, provided the following provisions are met:

(1) Noncommercial opinion signs may be displayed as Freestanding sign signs, as follows:

- (1)a. Number of signs per street frontage—~~One (1)~~ Five (5).
- (2)b. Maximum sign area—Six (6) square feet.
- (3)c. Maximum sign height—Four (4) feet.
- (4)d. Setback—Not within the public right-of-way, nor within the clear sight triangular area.

## (2) Window signs—Regulated per the applicable zoning district provisions pertaining to window signs.

(3) Notwithstanding the limitations set forth in Section 734-201(m)(1), noncommercial opinion signs may be displayed on a sign face that has been legally established to display advertising signs, in the same manner and size as an advertising sign is permitted to be displayed on the same sign face.

## (4) Noncommercial opinion signs shall have no time limits.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

(n) Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. An ILP shall not be required if the provisions noted above are satisfied.

~~(e) Political signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots are permitted for sixty (60) days prior to an election, and shall be removed within five (5) days after the election has been decided. Such sign shall not exceed six (6) square feet in total surface area and four (4) feet in height. No such sign shall be located on, within, or over the public right-of-way.~~

~~An ILP shall not be required if the provisions noted above are satisfied.~~

~~(p)(o)~~ Public notices. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. An ILP shall not be required.

~~(q)(p)~~ Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's approval shall:

- Not be applicable in any "protected district";
- Be preceded by a petition for approval to the hearing examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions within the regional center, notice to all registered neighborhood organizations whose boundaries include all or part of the regional center.

Provided, the Administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, within the Central Business District for purposes of promoting specific civic, sporting or special events, on condition that such signs be removed prior to the end of such period.

An ILP shall not be required.

(f)(g) Real estate signs. Real estate signs announcing the sale or lease of that property by the owner or a real estate company shall be permitted, provided there shall be only one (1) sign for each lot, not exceeding:

- (1) Six (6) square feet in total surface area and four (4) feet in height (for all districts permitting single- or two-family residential development); or
- (2) Thirty-two (32) square feet in total surface area and four (4) feet in height (for any other zoning district).

Such sign shall be located on the lot for sale or lease and not on or within any public right-of-way.

Real estate signs shall not be directly illuminated and shall be removed within seven (7) days after the sale/lease/rental has been accomplished.

Real estate signs which remain on the site for no longer than one (1) year shall not be required to obtain an ILP; however, if such signs remain beyond the one-year period, an ILP shall be required, and such signs shall meet the requirements applicable to freestanding identification signs of the district.

Exceptions: In the case of a:

- (1) Corner lot, one (1) additional sign, with the same maximum dimensions, is permitted, for a maximum of two (2) signs on a corner lot.
- (2) Through lot, one (1) additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two (2) signs on a through lot.
- (3) Lot which abuts a water body or golf course, one (1) additional sign, with the same maximum dimensions, is permitted on the water or golf course frontage of the lot, for a maximum of two (2) signs on such a lot. This exception shall not apply if the water body is designated as a "greenway corridor" in the "Indianapolis Greenways Plan" adopted by the Metropolitan Development Commission (May, 1994).

An ILP shall not be required if the provisions noted above are satisfied.

(s)(r) Real estate signs, temporary directional. Temporary directional real estate signs shall not exceed twenty (20) per subdivision with no more than five (5) signs per subdivision allowed on the same street, in the same direction.

The maximum number of temporary directional real estate signs at an intersection shall be twelve (12). The intersection, for purposes of this provision, is defined as an area within a one-hundred-foot radius of the intersecting center lines of two (2) or more streets.

Temporary directional real estate signs shall be placed at no less than two hundred (200) feet from any sign of the same subdivision and no closer than twenty (20) feet from another temporary directional real estate sign.

Further, temporary directional real estate signs shall be permitted only if:

- (1) They are limited to freestanding signs not to exceed eight (8) square feet in total area or four (4) feet square feet per sign face and shall not exceed forty (40) inches in height.
- (2) Signs shall not be placed before 5:00 p.m. on Friday and shall be removed by 7:00 a.m. on Monday. Signs shall be installed no earlier than 5:00 p.m. preceding any commonly recognized holiday and shall be removed by 7:00 a.m. the day following a holiday. All poles and stakes shall be completely removed.
- (3) Signs shall not be placed on private property without permission of the owner. Signs shall be placed at least six (6) feet from the pavement edge of the street (such pavement edge of the

street includes the shoulder). Signs shall not touch or block any road marking signs, nor shall they be attached to utility poles, trees or natural features.

An ILP shall not be required if the provisions noted above are satisfied.

~~(t)~~(s) Seasonal or holiday displays shall not be considered signs and shall not be regulated by these regulations, so long as they contain no commercial message, are primarily decorative in nature, and are clearly incidental and customarily and commonly associated with any national, local or religious holiday.

~~(u)~~(t) Temporary signs for grand openings or city-recognized special events provided that the maximum sign area of each sign shall not exceed thirty-two (32) square feet. Temporary signs allowed under this subsection include pennants and banners.

- (1) Grand openings: Temporary signs for grand openings may be erected no more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such signs remain on the premises for more than thirty (30) days.
- (2) City-recognized special events: Temporary signs for city-recognized special events may be erected throughout the year, however, the maximum number of days such signs may be displayed shall not exceed a total of thirty (30) days per year.

Such signs shall not be located on or within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

~~(v)~~(u) Tombstones. An ILP shall not be required.

~~(w)~~(v) Works of art. Three-dimensional works of art (statuary, sculptures) and two-dimensional works of art (i.e., murals) that are clearly artistic in nature and which do not promote commercial interests are exempt from regulation under this chapter. An ILP shall not be required if the provisions noted above are satisfied.

~~(x)~~(w) Incidental signs, other than directional, and parking and loading signs shall be permitted, subject to the following:

- (1) The maximum height of the sign shall not exceed four (4) feet.
- (2) The maximum sign surface area shall not exceed (1) square foot.
- (3) The sign shall be set back a minimum of ten (10) feet from the existing street right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

~~(y)~~(x) Building outline lighting. Outlining of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any commercial and industrial district shall not be considered a sign, nor regulated by this chapter. If however, such outline contains text or logos, such items shall be considered signs and regulated by this chapter according to their type and placement. Outlining of structural/architectural elements of buildings using neon, incandescent or similar type of lighting shall be prohibited in any protected district, and in no case shall it be permitted within six hundred (600) feet of a protected district. (See also section 734-202(k) for restrictions on other types of outline lighting.) In no case, however, shall such building outlining flash or be animated.

~~(z)~~(y) Temporary signs, including pennants and banners, shall be allowed in SU-1, SU-2, SU-7 and SU-16 districts, without obtaining an ILP, provided that the signs do not exceed a size of thirty-six (36) by thirty-six (36) inches, subject to the following:

- (1) The temporary sign must be placed on the property of the owner of the sign and no more than one (1) temporary sign for each public street frontage may be placed on a lot.
- (2) Temporary signs may not be posted for more than twenty eight (28) hours.
- (3) No sign may be erected or posted in a public right-of-way.
- (4) No sign may be posted more than four (4) times in any thirty (30) day period.

SECTION 2. Section 734-501 of the "Revised Code of the Consolidated City and County," regarding construction of language and definitions for the sign regulations, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 734-501. Construction of language and definitions.**

(a) *Construction of language.* The language of this chapter shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the definitions set forth below. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

*A-sign.* A portable sign containing two (2) sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees (refer to Diagram 30).

*Abandoned sign.* Any sign or its supporting sign structure which remains without a message or whose display surface remains blank for a period of: a. one (1) year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or b. sixty (60) days (for a sign or its supporting sign structure which does not conform to the provisions of this chapter at the time of adoption);

or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

*Administrator.* Administrator of the division of planning of the department of metropolitan development, or such division having jurisdiction, or their appointed representative.

*Advertising sign.* Any off-premises sign which directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign.

*Alley.* Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot.

*Animated sign.* Any sign which includes movement or change of lighting to depict action or create motion, a special effect or a scene. For purposes of this chapter, any changeable copy sign on which the message changes more than eight (8) times per day shall be considered an animated sign.

*Awning.* A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.

*Awning sign.* A building sign or graphic printed on or in some fashion attached directly to the awning material.

*Balloon sign.* A temporary sign consisting of a bag made of light-weight material which is filled with a gas lighter than air and designed to rise or float in the atmosphere (refer to Diagram 30).

*Banner.* Any temporary sign of light-weight fabric or similar material mounted to a pole or a building at one (1) or more edges by a permanent frame. Flags of any government or political subdivision shall not be considered banners (refer to Diagram 30).

*Beacon.* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source. Also, any light with one (1) or more beams that rotate or move.

*Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

*Building identification sign.* Any identification sign attached to any part of a building.

*Building marker.* Any building identification sign indicating the name of a building, the date of erection and incidental information about its construction and which is cut into a masonry surface or made of bronze or other permanent material.

*Business sign.* See identification sign.

*Canopy.* A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, on a support which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

*Canopy sign.* Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy sign is not a marquee and is different from service area canopy signs.

*Centerline of the highway.* A line equidistant from the edges of the existing right-of-way separating the main-traveled ways of a divided interstate highway, freeway, expressway, or the centerline of the main-traveled way of a nondivided interstate highway, freeway or expressway.

*Changeable copy sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged electronically or nonelectronically without altering the face or the surface of the sign. The message copy of a changeable copy sign can be changed manually in the field, through the use of changeable letters, numbers, symbols and similar characters, changeable pictorial panels or through the use of rotating panels and other similar devices which are not controlled through remote electronic or electric techniques. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

*Clearance.* The distance measured from the bottom of a sign face which is elevated above grade and the grade below (refer to Diagram 33).

*Collector street.* See street, collector.

*Commercial message.* Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Construction sign.* Any temporary sign which identifies and announces the construction activity on the property by the owner or construction company.

*Convenience market.* A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, lottery tickets, household items, and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

*Corner lot.* See lot, corner.

*Directional sign.* Any incidental sign which serves solely to designate the location or direction of any place or area and, as such, shall be located on the same lot as such place or area.

*Directory signs.* Any incidental sign which identifies the businesses in an integrated center, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants in the center, and is located in the interior of such center.

*Double-faced sign.* A sign consisting of two (2) parallel faces supported by a single structure.

*Driveway.* Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (refer to Diagram 34).

*Electronic variable message sign (EVMS).* A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

*Entrance roadway.* Any public street or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an interstate highway, freeway or expressway from the general street system within Marion County, irrespective of whether traffic may also leave the main-traveled way by such street or turning roadway.

*Erect.* Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

*Exit roadway.* Any public street or turning roadway, including deceleration lanes, by which traffic may leave the main-traveled way of an interstate highway, freeway or expressway to reach the general street system within Marion County, irrespective of whether traffic may also enter the main-traveled way by such street or turning roadway.



*Extension.* Any vertical or horizontal embellishments to an advertising sign designed as a part of, and integrally incorporated into, the announcement, declaration, device, demonstration or insignia used as a part of such sign (refer to Diagram 35).

*Flag.* Any fabric or similar light-weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government or political subdivision.

*Flashing sign.* A directly or indirectly illuminated sign which exhibits changing light, color or effect by any means, so as to provide intermittent illumination, or which includes the illusion of intermittent or flashing light by means of animation.

*Freestanding sign.* Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

*Freeway.* See street, freeway.

*Frontage.* The line of contact of a property with the street right-of-way along a lot line. In the case of a corner lot having a rounded or cut property corner, from the intersection of the street right-of-way lines, as extended.

*Garage sale sign.* Any temporary sign which identifies and announces a garage, yard or similar sale.

*Gasoline service station.* Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

*Governmental sign.* Signs designed for control of, or to provide information to, traffic and other regulatory functions and signs of public service companies indicating danger and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty (see also public signs).

*Grade.* Grade shall be construed to be the lower of (1) existing grade prior to construction or (2) existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign (refer to Diagram 4).

*Grade level use.* Each use or occupant of what is typically known as the street, ground or first floor of a building.

*Ground sign.* Any freestanding sign constructed in or on the ground surface with its sign face extending downward to or near the ground surface and which is supported on a frame by one (1) or more uprights or braces (refer to Diagram 31).

*Height, sign.* The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

*Home improvement sign.* Any temporary sign which identifies and announces the construction company responsible for the home improvement of the property.

*House number and name plates.* Any sign which designates the name or the street address, using numbers or plates, of the person(s) occupying the premises.

*Identification sign.* Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

*Illuminated sign.* Any sign which contains an auxiliary design element designed to emanate artificial light internally or externally from the sign, including signs illuminated from the exterior by spotlights or other lighting apparatus directed upon the sign structure either from the ground or from a lighting fixture attached to the exterior of the sign structure.

*Incidental sign.* A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from any position of the lot on which the sign is located shall be considered incidental.

*Information site.* An area or site established and maintained within or adjacent to the right-of-way of a highway on the interstate system by or under the supervision or control of a state highway department, wherein panels for the display of advertising and information signs may be erected and maintained.

*Interior sign.* Any sign not visible from the exterior of the building or structure and located within the interior of any building or structure, or within an enclosed lobby or court of any building.

*Integrated center.* An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) Two (2) or more individual, unrelated and separately operated uses in one (1) building sharing common-site facilities; or
- (2) One (1) or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one (1) or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

*Interstate highway.* See street, freeway.

*Legally established nonconforming sign.* Any sign and its support structure lawfully erected prior to the effective date of the adoption of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of this chapter and which does not comply with this chapter shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

*Legible.* Capable of being read with certainty without visual aid by a person of normal visual acuity.

*Logo.* See trade name.

*Lot.* A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purpose of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;

(2) A contract vendee;

(3) A long-term lessee (but only if the lease has been recorded at the office of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (refer to Diagram 36).

*Lot area.* The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

*Lot, corner.* A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (refer to Diagram 36).

*Lot, through.* A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot.

*Lot line.* The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

*Lot line, front.* The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator.

*Lot line, rear.* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

*Lot line, side.* Any lot line not designated as a front or rear lot line.

*Lot of record.* A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana.

*Maintain.* To repair, service or refurbish a sign or structure or any part thereof, in an identical manner or change any identical component of the sign.

*Main-traveled way.* The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term "main-traveled way" does not include such facilities as frontage roads, turning roadways or parking areas.

*Marginal access street.* See street, marginal access.

*Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*Marquee sign.* Any building sign painted, mounted, constructed or attached in any manner on a marquee (refer to Diagram 24).

*Message center.* A sign, component of a sign, which contains a changing message within the copy area which turns on and off or changes electrically or electronically for a specific period of time.

*Model home sign.* Any temporary sign which identifies and announces a model home.

*Mural.* A design or representation painted, drawn or similarly applied on the exterior surface of a structure and which does not advertise a business, product, service or activity.

*Noncommercial opinion sign.* ~~A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.~~ A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as, a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.

*Off-premises sign.* A sign which directs attention to a business, profession, commodity, or service offered on the property other than that on which the sign is located.

*On-premises sign.* A sign which directs attention to a business, profession, commodity, or service offered on the property on which the sign is located.

*Outdoor advertising sign.* Same as advertising sign.

*Owner.* Legal owner of property as officially recorded in the Office of the Marion County Recorder.

*Parapet (wall).* That portion of a building wall that rises above the roof level.

*Pennant.* Any sign of light-weight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire, or string, usually in a series, and which is designed to move in the wind. Flags of any government or political subdivision shall not be considered pennants (refer to Diagram 30).

*Permanent sign.* A nontemporary sign designed and intended for long-term use.

*Plaque, historic.* See building marker.

*Pole sign.* Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level (refer to Diagram 31).

~~*Political sign.* Any temporary sign designed to announce or identify a person, party, issue of an election or any other subject usually associated with a political election.~~

*Portable sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported from place to place, including, but not limited to, signs transported by means of wheels; signs attached to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operation of the business.

*Principal building.* The building in which is conducted the principal primary use of the lot. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other uses clearly accessory to the primary use shall not be considered principal buildings.

*Projecting sign.* Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall face (refer to Diagram 31).

*Project sign (residential).* A type of identification sign designed to identify a residential development permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 or D-P dwelling districts.

*Protected areas.* All areas inside the boundaries of Marion County which are adjacent to and within six hundred sixty (660) feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary which is not perpendicular or normal to the centerline of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within six hundred sixty (660) feet of the edge of the right-of-way of the highway in the adjoining county.

*Protected district.* Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. A protected district shall include any dwelling district, hospital district, park district, university quarter district, SU-1 (church) district or SU-2 (school) district.

*Public notice.* Official notice posted by public officers or their representative in the performance of their duties.

*Public signs.* Any sign required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute or ordinance under which the signs are erected (see also governmental sign).

*Public way.* Any public street, alley, sidewalk or other public thoroughfare.

*Pump island sign.* Any sign either affixed directly to a gasoline pump or otherwise attached to the pump or pump island (refer to Diagram 25).

*Pylon sign.* Any freestanding sign anchored in the ground with its sign face extending upward from the ground surface and which has a height exceeding four (4) feet (refer to Diagram 31).

*Real estate sign.* Any temporary sign which announces the sale, rental, or lease of property by the owner or real estate company.

*Residential sign.* Any sign located in a district zoned for residential uses that contains no commercial messages except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

*Right-of-way.* Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities as officially recorded by the Office of the Marion County Recorder.

*Right-of-way, private.* Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

*Right-of-way, proposed.* Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

*Right-of-way, public.* Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

*Roof.* The water-carrying surface of a building or structure, the structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

*Roof-integral sign.* Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the roof (refer to Diagrams 10 and 31).

*Roof line.* The uppermost edge of the water-carrying surface of a building or structure.

*Roof sign.* Any building sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof (refer to Diagram 31).

*Rotating sign.* Any sign or portion of a sign designed to revolve or move in a similar manner by means of electrical power.

*Scenic area.* An area of particular scenic interest or historical significance which is designated by or pursuant to local or state law as a scenic area.

*Seasonal or holiday display.* Any temporary display, such as Christmas decorations, used for a holiday and installed for a short, limited period of time.

*Service area canopy.* Any structural protective cover that is not enclosed on any of its four (4) sides and is provided for the service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation.

*Service area canopy sign.* Any sign that is part of or attached to the service area canopy.

*Service station, gasoline.* See gasoline service station.

*Setback.* The minimum horizontal distance established by ordinance between a street right-of-way line or a lot line and the setback line (refer to Diagram 37).

*Setback line.* A line that establishes the minimum distance that a building, structure, sign, or portion thereof, can be located from a lot line or proposed right-of-way line (refer to Diagram 37).

*Sign.* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

*Sign area.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself (refer to Diagrams 1 and 2).

*Sign encroachment.* The placement of any sign or sign support structure or the extension of any part of a sign or sign structure into a required yard, street right-of-way or alley right-of-way.

*Sign face.* The surface of the sign upon, against, or through which the message of the sign is exhibited.

*Sign structure.* Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

*Sign type.* A functional description of the use of an individual sign. Includes but is not limited to identification, incidental, residential and advertising.

*Spandrel.* A roof-like structure that covers the gasoline pump dispenser, serves as a second-tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signage.

*Spandrel sign.* Any sign that is a part of or attached to the spandrel structure.

*Street, collector.* A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials with direct access to abutting property(ies).

*Street, cul-de-sac.* A street having only one (1) open end which is permanently terminated by a vehicle turnaround.

*Street, expressway.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

*Street facade.* Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public or private street. Separate faces oriented in the same direction or within forty-five (45) degrees of one another are considered part of the same street facade.

*Street, freeway.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

*Street, local.* A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies).

*Street, marginal access.* A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies).

*Street, parkway.* A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and thoroughfare plan.

*Street, primary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

*Street, private.* A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

*Street, public.* A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

*Street, secondary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

*Structure.* A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

*Subdivision.* The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

*Subdivision sign.* A type of identification sign designed to identify a residential subdivision.

*Suspended sign.* Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface (refer to Diagrams 13 and 32).

*Symbols or insignias.* Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies.

*T-sign.* A portable sign utilizing an inverted "T" style of framing structure to support the sign (refer to Diagram 30).

*Temporary sign.* Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only. Examples of such signs include, but are not limited to, the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal (holiday) signs.

*Thoroughfare.* A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

*Thoroughfare plan.* The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4, that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

*Time and temperature displays.* A limited function display which, through analogical or digital methods, electronically presents the time of day or the current temperature or one (1) other piece of information such as the Dow Jones average (either accrued total or change) in a nontraveling mode of operation. Displays which, through their configuration, are capable of presenting other electronic messages shall be considered electronic variable message signs.

*Tombstone.* Any cemetery marker or grave indicator.

*Trade name.* Any brand name, trademark, logo, distinctive symbol, or other similar device or thing used to identify a particular business, institution, activity, place, person, product or service.

*Traveled way.* The portion of a roadway for the movement of vehicles, exclusive of shoulders.

*Turning.* A connecting roadway for traffic turning between two (2) intersecting legs of an interchange, between two (2) interstate highways.

*Valance.* A vertically hanging or suspended fringe on an awning or canopy, often used as a decorative element.

*Visible.* Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

*Visibly obstructed.* The view of a sign which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.

*Wall.* Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

*Wall sign.* Any building sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected on an outside wall of any building or structure, which is supported by such wall or building with no more than fifty (50) percent of the sign structure extending above the wall, to a maximum extension of four (4) feet, and which displays only one (1) sign surface (refer to Diagram 32).

*Wind sign.* A sign of light-weight fabric or similar material attached at one (1) end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind (refer to Diagram 30).



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